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General Assembly

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A/RES/52/122
23 February 1998

Fifty-second session
Agenda item 112 (*b*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/52/644/Add.2)]

52/122. Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Reaffirming also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,[1]

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for all Governments to take all appropriate measures in compliance with their international

[1] See resolution 2200 A (XXI), annex.

obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[2]

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[3]

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

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[2] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[3] E/CN.4/1994/79, para. 103.

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Expresses its grave concern* at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. *Recognizes* that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. *Encourages* the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. *Also encourages* Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. *Welcomes and encourages* the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge his mandate in full and on time;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-third session under the item entitled "Human rights questions".

70th plenary meeting
12 December 1997

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.2)*]

52/123. Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the States in which such persons live,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement through, *inter alia*, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights held its third session from 26 to 30 May 1997,[1]

[1] E/CN.4/Sub.2/1997/18.

1. *Takes note* of the report of the Secretary-General;[2]

2. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

4. *Also urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the protection and promotion of the rights of persons belonging to minorities;

6. *Appeals* to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

8. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

10. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

11. *Urges* all treaty bodies to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

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[2] A/52/498.

12. *Calls upon* all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within their respective mandates, to situations involving minorities;

13. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Expresses its expectation* that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights will further implement its mandate with the involvement of a wide range of participants;

15. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution under the item entitled "Human rights questions".

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.2)*]

52/124. Human rights in the administration of justice

The General Assembly,

Recalling its resolution 50/181 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/32 of 19 April 1996[1] and decision 1997/106 of 11 April 1997[2] on human rights in the administration of justice, particularly with respect to children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights[3] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[4] in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

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[1] See *Official Records of the Economic and Social Council, 1996, Supplement No. 3* (E/1996/23), chap. II, sect. A.

[2] Ibid., *1997, Supplement No. 3* (E/1997/23), chap. II, sect. B.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the Convention on the Rights of the Child,[7]

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women,[8] in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Recalling in particular article 37 of the Convention on the Rights of the Child, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age,

Calling attention to the numerous international standards in the field of the administration of justice,

Welcoming the Guidelines for Action on Children in the Criminal Justice System,[9] including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Welcoming also the important work of the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, and emphasizing the importance of coordinating the activities carried out under their responsibility,

Acknowledging the important role of the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field,

Aware of the need for special vigilance with regard to the vulnerable situation of children and juveniles, as well as women and girls in detention,

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

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[5] Resolution 39/46, annex.

[6] Resolution 2106 A (XX), annex.

[7] Resolution 44/25, annex.

[8] Resolution 34/180, annex.

[9] Economic and Social Council resolution 1997/30, annex.

3. *Invites* Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

4. *Invites* States to make use of technical assistance offered by the United Nations programmes of technical assistance in order to strengthen national capacities and infrastructures in the field of administration of justice;

5. *Invites* the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Calls upon* the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the fields of human rights and crime prevention and criminal justice;

7. *Calls upon* the United Nations High Commissioner for Human Rights, as well as mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion of human rights in the administration of justice and to provide, where appropriate, specific recommendations in this regard, including proposals for measures to provide advisory services and technical assistance;

8. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

9. *Decides* to consider the question of human rights in the administration of justice at its fifty-fourth session under the item entitled "Human rights questions".

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